THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.3403 OF 2006

Dt.7.3.2006

Between:

Sri Kanakadurga Chicken Sellers Welfare
Association, rep. By its Director,
V.Venkatesh … Petitioner

And

The Gram Panchayat, Uravakonda,
Anantapur District, rep. By its Sarpanch
And another. … Respondents

ORDER:

The petitioner questions the action of the respondents in shifting chicken shops old premises to new premises i.e., identified location (Village outskirts) of Uravakonda Gram Panchayat, Uravakonda, Anantapur District, wherein petitioner's chicken business is located and further action of the respondents in seeking to dispossess the petitioner there from as illegal and arbitrary.

It is brought to my notice that the same Sri Kanakadurga Chicken Sellers Welfare Association represented by the President, L.Rasheed filed W.P.No.21369 of 2005 with similar relief and this Court dismissed the same on 24.10.2005. The present writ petition is filed

by the same Association represented by its Director, V.Venkatesh for the same relief.

This writ petition is filed questioning the action of the respondents in issuing notice dated 23.2.2005 informing the sellers of the chicken and meat to register their names in the office of the respondent and get reservation of the shop. It is stated that the respondents have earmarked certain places outside the village for the sale of chicken and meat. It is stated that the identified places by the respondents is far away from the village and the public would not come to purchase the chicken and meat and therefore the petitioner used to sell the same in the midst of the village.

Heard the learned counsel for the petitioner and the learned counsel on behalf of the respondents.

I am of the opinion that when all the contentions have been considered and rejected by this Court in W.P.No.21369 of 2005, the petitioner is not entitled to canvass the same ground that the identified location by the respondents is not suitable for sale of chicken and meat.

The learned counsel for the petitioner has not brought to my notice any of the illegality about the said action of the respondents in passing the said resolution to earmark a common market for the sale of chicken and meat outside the village. It is brought to my notice by the learned counsel for the petitioner that public also made a representation that it is causing inconvenience for them to go to the places earmarked by the respondents.

Having regard to the facts and circumstances of the case, I am of the opinion that the action of the respondents in shifting the business of the petitioner to the identified location is in the interests of the public for maintenance of hygienic conditions and to control pollution. Therefore, I do not see any ground to interfere with the impugned notice.

The writ petition is accordingly dismissed. No order as to costs.

(V.ESWARAIAH, J.)

7.3.2006

kpr